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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

DIGITAL RECOGNITION NETWORK,
INC.; VIGILANT SOLUTIONS, INC.,

Plaintiffs,

v.

GARY HERBERT, *in his official capacity as
Governor of the State of Utah*; SEAN D.
REYES, *in his official capacity as Attorney
General of the State of Utah*,

Defendants.

**PLAINTIFFS' NOTICE OF
VOLUNTARY DISMISSAL
WITHOUT PREJUDICE**

Civil No. 2:14-cv-00099-CW

Judge Clark Waddoups

Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiffs Digital
Recognition Network, Inc. and Vigilant Solutions, Inc., by and through their undersigned

counsel, hereby file this Notice of Voluntary Dismissal Without Prejudice. On April 22, 2014, Defendants filed a Motion to Dismiss Based on Mootness, which notified the Court that the Utah Legislature has now amended the Utah Automatic License Plate Reader System Act, Utah Code § 41-6a-2001 *et seq.*, and that “the current statutory scheme does not prevent Plaintiffs from engaging in the activities in which their Complaint states they desire to engage.” Mot. to Dismiss at 5. Accordingly, Plaintiffs file this Notice. Under Rule 41, “the plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). Defendants have not yet served an answer or a motion for summary judgment. Consequently, voluntary dismissal without prejudice is appropriate. *See* Fed. R. Civ. P. 41(a)(1)(B) (“Unless the notice or stipulation states otherwise, the dismissal is without prejudice.”); *Schmier v. McDonald’s LLC*, 569 F.3d 1240 (10th Cir. 2009) (“The dismissal is without prejudice, unless the notice of dismissal states otherwise.”).

Dated: April 29, 2014

Respectfully submitted,

/s/ J. Ryan Mitchell
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CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing **PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE** were served by electronically filing the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to:

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